

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**FILED  
CLERK**

-----X  
THOMAS GESUALDI, LOUIS BISIGNANO,  
ANTHONY D'AQUILA, MICHAEL  
O'TOOLE, BENNY UMBRA, FRANK H.  
FINKEL, JOSEPH A. FERRARA, SR., MARC  
HERBST, DENISE RICHARDSON, and  
THOMAS CORBETT as Trustees and  
Fiduciaries of the Local 282 Welfare Trust  
Fund, the Local 282 Pension Trust Fund, the  
Local 282 Annuity Trust Fund, the Local 282  
Job Training Trust Fund, and the Local 282  
Vacation and Sick Leave Trust Fund,

**ADOPTION ORDER**  
14-cv-4112 (ADS)(SIL)

4/10/2015 10:45 am

**U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE**

Plaintiffs,

-against-

RELIANCE TRUCKING OF CG INC.,

Defendant.

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**APPEARANCES:**

**Trivella & Forte LLP**

*Attorneys for the Plaintiffs*

1311 Mamaroneck Avenue

Suite 170

White Plains, NY 10605

By: Jael Dumornay, Esq.

James Robert Grisi, Esq., Of Counsel

**NO APPEARANCE:**

*The Defendant*

**SPATT, J.**

On July 2, 2014, the Plaintiffs the Trustees and Fiduciaries of the Local 282 Welfare Trust Fund, Pension Trust Fund, Annuity Trust Fund, Job Training Trust Fund, and Vacation and Sick Leave Trust Fund (the "Funds") commenced this action to collect unpaid withdrawal liability due to the Funds and estimated contributions due to the Funds as a result of the Defendant's failure to submit its pertinent books and records to audit and pay the amount determined to be due and owing.

On October 21, 2014, the Clerk of the Court noted the default of the Defendant.

On December 5, 2014, the Funds moved for a default judgment pursuant to Federal Rule of Civil Procedure 55(b)(2).

On December 10, 2014, the Court referred this matter to United States Magistrate Judge Steven I. Locke for a recommendation as to whether the motion for a default judgment should be granted, and if so, whether damages should be awarded, including reasonable attorneys' fees and costs.

On March 19, 2015, Judge Locke issued a Report recommending that the motion be granted, and the Funds be awarded total damages of \$21,587.17, plus additional daily interest and damages through the entry of judgment, as follows:

Unpaid Contributions		\$2,071.11
Interest on Unpaid Contributions		\$905.76
Calculated Through 12/05/14		
Liquidated Damages on Unpaid Contributions		\$905.76
Calculated Through 12/05/14		
Audit Fees		\$350.00
Outstanding Withdrawal Liability		\$7,467.00
Interest on Outstanding Withdrawal Liability		\$1,026.72
Calculated Through 12/05/14		
Liquidated Damages on Withdrawal Liability		\$1,493.40
Attorneys' Fees		\$6,772.75
Costs	+	\$594.67
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		<b>\$21,587.17</b>
Daily Interest on Unpaid Contributions From 12/06/14		
Through Entry of Judgment	+	\$1.02/day
Continued Accrual of Liquidated Damages on Unpaid		
Contributions From 12/06/14 Through Entry of Judgment	+	\$1.02/day
Daily Interest on Outstanding Withdrawal Liability From		
12/06/14 Through Entry of Judgment	+	\$3.68/day

More than fourteen days have elapsed since service of the Report and Recommendation on the Defendant, which has failed to file an objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the March 19, 2015 Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result.

Accordingly, the March 19, 2015 Report and Recommendation is adopted in its entirety, and the Fund's motion for a default judgment is granted. The Clerk of the Court is respectfully directed to enter judgment in favor of the Funds as follows and to close the case:

Unpaid Contributions		\$2,071.11
Interest on Unpaid Contributions		\$905.76
Calculated Through 12/05/14		
Liquidated Damages on Unpaid Contributions		\$905.76
Calculated Through 12/05/14		
Audit Fees		\$350.00
Outstanding Withdrawal Liability		\$7,467.00
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Continued Accrual of Liquidated Damages on Unpaid		
Contributions From 12/06/14 Through Entry of Judgment	+	\$1.02/day
Daily Interest on Outstanding Withdrawal Liability From		
12/06/14 Through Entry of Judgment	+	\$3.68/day

**SO ORDERED.**

Dated: Central Islip, New York  
April 10, 2015

Arthur D. Spatt  
ARTHUR D. SPATT  
United States District Judge